

1 Repeal Rule 6-503, 6-504 and 6-505.

2 Rule 6-501. Reporting requirements for guardians and conservators.

3 Intent:

4 To establish the requirements sufficient to satisfy the Utah Uniform Probate Code.

5 Applicability:

6 This rule applies to guardians and conservators with the following exceptions:

7 This rule does not apply if the guardian or conservator is the parent of the ward.

8 Paragraph (1) does not apply to the guardian of a minor if the guardianship is limited
9 to the purpose of attending school.

10 Paragraph (1) does not apply to a conservator licensed under the Title 7, Chapter 5,
11 Trust Business or to a guardian licensed under §75-5-311(1)(a).

12 Paragraphs (6)(A), (6)(B) and (6)(C) do not apply to the guardian of a minor if the
13 guardianship is limited to the purpose of attending school. A person interested in the
14 minor may request a report under Utah Code Section 75-5-209.

15 Paragraph (6)(D) does not apply to the guardian of a minor if the minor's estate is
16 deposited in an account requiring judicial approval for withdrawal or if there is no estate.
17 A person interested in the minor may request an accounting under Utah Code Section
18 75-5-209.

19 Statement of the Rule:

20 (1) Before entering an order appointing a guardian or conservator, the court shall
21 require the guardian or conservator to file a verified statement showing satisfactory
22 completion of a court-approved examination on the responsibilities of a guardian or
23 conservator.

24 (2) The guardian shall keep contemporaneous records of significant events in the life
25 of the ward and produce them if requested by the court. The conservator shall keep
26 contemporaneous receipts, vouchers or other evidence of income and expenses and
27 produce them if requested by the court. The guardian and conservator shall maintain
28 the records until the appointment is terminated and then deliver them to the ward, if
29 there is no successor, to the successor guardian or conservator, or to the personal
30 representative of the ward's estate.

31 (3) Definitions.

32 (3)(A) "Accounting" means the annual accounting required by Utah Code Section 75-
33 5-312 and Section 75-5-417 and the final accounting required by Utah Code Section 75-
34 5-419.

35 (3)(B) "Interested persons" means the ward, if he or she is of an appropriate age and
36 mental capacity to understand the proceedings, the ward's guardian and conservator,
37 the ward's spouse, adult children, parents and siblings and anyone requesting notice
38 under Utah Code Section 75-5-406. If no person is an interested person, then interested
39 person includes at least one of the ward's closest adult relatives, if any can be found.

40 (3)(C) "Inventory" means the inventory required by Utah Code Section 75-5-418.

41 (3)(D) "Serve" means any manner of service permitted by Utah Rule of Civil
42 Procedure 5, but the envelope containing the papers shall include the designation that
43 the paper are confidential.

44 (3)(E) "Report" means the annual report on the status of the ward required by Utah
45 Code Section 75-5-209 and Section 75-5-312.

46 (3)(F) "Ward" means a minor or an incapacitated person for whom the court appoints
47 a guardian or a protected person for whom the court appoints a conservator.

48 (4) Subject to the requirements of Paragraph (5):

49 (4)(A) forms substantially conforming to the forms produced by the Utah court
50 website are acceptable for content and format for the report and accounting filed under
51 the Utah Uniform Probate Code;

52 (4)(B) a corporate fiduciary may file its internal report or accounting; and

53 (4)(C) if the ward's estate is limited to a federal or state program requiring an annual
54 accounting, the fiduciary may file a copy of that accounting.

55 (5) The report, inventory and accounting shall contain sufficient information to put
56 interested persons on notice of all significant events and transactions during the
57 reporting period. Compliance with Paragraph (4) is presumed sufficient, but the court
58 may direct that a report or accounting be prepared with content and format as it deems
59 necessary.

60 (6)(A) The guardian shall file with the appointing court a report on the status of the
61 ward no later than 60 days after the anniversary of the appointment. The guardian shall
62 file the report with the court that appointed the guardian unless that court orders a

63 change in venue under Utah Code Section 75-5-313. The reporting period is yearly from
64 the appointment date unless the court changes the reporting period on motion of the
65 guardian. The guardian may not file the report before the close of the reporting period.
66 For good cause the court may extend the time for filing the report, but a late filing does
67 not change the reporting period.

68 (6)(B) The guardian shall serve a copy of the report on all interested persons with
69 notice that the person may object within 30 days after the notice was served.

70 (6)(C) If an interested person objects, the person shall specify the entries to which
71 the person objects and state the reasons for the objection. The person shall file the
72 objection with the court and serve a copy on all interested persons. If an objection is
73 filed, the judge shall conduct a hearing. The judge may conduct a hearing even though
74 no objection is filed. If the judge finds that the report is in order, the judge shall approve
75 it.

76 (6)(D) If there is no conservator, the guardian shall file the inventory and accounting
77 required of a conservator.

78 (7)(A) Within 90 days after the appointment, the conservator shall file with the
79 appointing court the inventory required by Utah Code Section 75-5-418. For good cause
80 the court may extend the time for filing the inventory.

81 (7)(B) The conservator shall serve a copy of the inventory on all interested persons
82 with notice that the person may object within 30 days after the notice was served.

83 (7)(C) If an interested person objects, the person shall specify the entries to which
84 the person objects and state the reasons for the objection. The person shall file the
85 objection with the court and serve a copy on all interested persons. If an objection is
86 filed, the judge shall conduct a hearing. The judge may conduct a hearing even though
87 no objection is filed. If the judge finds that the inventory is in order, the judge shall
88 approve it.

89 (8)(A) The conservator shall file with the appointing court an accounting of the estate
90 of the ward no later than 60 days after the anniversary of the appointment. The
91 conservator shall file the accounting with the court that appointed the conservator
92 unless that court orders a change in venue under Utah Code Section 75-5-403. The
93 reporting period is yearly from the appointment date unless the court changes the

94 reporting period on motion of the conservator. The conservator may not file the
95 accounting before the close of the reporting period. For good cause the court may
96 extend the time for filing the accounting, but a late filing does not change the reporting
97 period.

98 (8)(B) The conservator shall serve a copy of the accounting on all interested persons
99 with notice that the person may object within 30 days after the notice was served.

100 (8)(C) If an interested person objects, the person shall specify the entries to which
101 the person objects and state the reasons for the objection. The person shall file the
102 objection with the court and serve a copy on all interested persons. If an objection is
103 filed, the judge shall conduct a hearing. The judge may conduct a hearing even though
104 no objection is filed. If the judge finds that the accounting is in order, the judge shall
105 approve it.

106 (9)(A) The conservator shall file with the court a final accounting of the estate of the
107 ward with the motion to terminate the appointment.

108 (9)(B) The conservator shall serve a copy of the accounting on all interested persons
109 with notice that the person may object within 30 days after the notice was served.

110 (9)(C) If an interested person objects, the person shall specify the entries to which
111 the person objects and state the reasons for the objection. The person shall file the
112 objection with the court and serve a copy on all interested persons. If an objection is
113 filed, the judge shall conduct a hearing. The judge may conduct a hearing even though
114 no objection is filed. If the judge finds that the accounting is in order, the judge shall
115 approve it.

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